

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIWANE KOLIAYAH-CHAUND
CANADA,

Plaintiff,

v.

GINA M. and R. HEERING,

Defendants.

Case Number 20-10027

Honorable David M. Lawson

Magistrate Judge Elizabeth A. Stafford

ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING MOTION FOR SUMMARY JUDGMENT

Presently before the Court is the report issued on May 4, 2022 by Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b). The report recommends that the Court grant the defendant's motion for summary judgment because the plaintiff did not exhaust his administrative remedies. The deadline for filing objections to the report has passed, and no objections have been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 36) is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment (ECF No. 26) is **GRANTED**.

It is further **ORDERED** that the plaintiff's complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 25, 2022